

want everyone to know that my appreciation, my affection, and my total admiration for JAY ROCKEFELLER is like no other Senator. He is a wonderful human being. I so appreciate his willingness to do this job. Not everyone runs and tries to get to be chairman of the Intelligence Committee, but he does it because he thinks it is the right thing to do for the country. We in the Democratic caucus think there is no one better to lead us in that behalf.

I will simply say that the relationships with Senator BOND and Senator ROCKEFELLER have been extremely pleasant, and that makes this most difficult job better for all of us.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FISA AMENDMENTS ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6304, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish procedures for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Pending:

Bingaman amendment No. 5066, to stay pending cases against certain telecommunications companies and provide that such companies may not seek retroactive immunity until 90 days after the date the final report of the inspectors general on the President's surveillance program is submitted to Congress.

Specter amendment No. 5059, to limit retroactive immunity for providing assistance to the United States to instances in which a Federal court determines the assistance was provided in connection with an intelligence activity that was constitutional.

Dodd amendment No. 5064, to strike title II.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent to speak on my time, followed immediately by Senator HATCH, who will speak for 10 minutes, and that my remaining time be reserved after that.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. What was the request?

Mr. BOND. The request was that I speak on my time and that Senator HATCH be given 10 minutes.

Mr. REID. Mr. President, is that additional time to what we have?

Mr. BOND. No. That is off of my time.

Mr. REID. I appreciate that. But should we not be going back and forth? Because Senator FEINGOLD has been here waiting.

Mr. BOND. How long will Senator FEINGOLD speak?

Mr. REID. My understanding is 30 minutes.

Mr. BOND. Responding to the distinguished leader, Senator HATCH had to leave a Judiciary Committee hearing. He was only going to speak 10 minutes. And I am going to be about 10 minutes.

Mr. FEINGOLD. As long as my 30 minutes is blocked.

The ACTING PRESIDENT pro tempore. The Senator's time is locked in under the unanimous consent.

Is there objection to the sequence of speakers?

Mr. FEINGOLD. As long as my 30 minutes is reserved so I can speak following the time of the Senator from Utah.

The ACTING PRESIDENT pro tempore. Is there objection to the request as modified?

Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished leader who has done a remarkable job of helping us to get to this point in what has been, let us say, a challenging 15-month debate. And I concur with him in the very kind and generous words he said about my friend and colleague, the chairman of the committee, Senator ROCKEFELLER.

I expressed my appreciation to the Republican leader for his very kind words, and I agree with him that it is absolutely essential that we defeat these amendments today. But, finally, after sporadic filibuster attempts over a period of 15 months by several Members, Members whom I respect for their tenacity and conviction in this matter, we are poised today to conclude work on the FISA Amendments Act of 2008.

Yesterday I detailed my views on aspects of this legislation, and I walked through six tweaks to the legislation that were made to the bipartisan Senate bill that the Senate passed in February, earlier this year, that have resulted in the bill before us today.

I am happy that the tweaks to the bill did not change the bill much. I am proud to negotiate with the House to bring back to the Senate essentially the same bipartisan bill today that both the chairman and I crafted with the help of an overwhelming bipartisan majority of our Intelligence Committee.

This ensured that today we have a major bipartisan victory of which all sides can be proud, exemplifying what can be accomplished in Washington when there is bipartisan negotiation.

I thank all of those who worked so hard to bring us to the cusp of sending this legislation to the President. I appreciate the hard work of House Majority Leader STENY HOYER, who was critical in the House; Republican Whip ROY BLUNT, and Congressmen PETE HOEKSTRA and LAMAR SMITH, as well as the efforts of my colleagues in the Senate, Senators ORRIN HATCH, SAXBY CHAMBLISS, Senate Republican Leader MITCH MCCONNELL, and Chairman ROCKEFELLER for his strong support and leadership.

Further, we could not be here today without the hard work of staff, from the House, Jen Stewart from House Minority Leader BOEHNER's office; Brian Diffe from House Minority Whip BLUNT's office; Chris Dones from Mr. HOEKSTRA's office; Caroline Lynch from Mr. SMITH's office; Mariah Sixkiller with the House Majority Leader's office; and Jeremy Bash from Mr. REYES' office, along with an assortment and large number of deputies and others who assisted them in producing the language that their Members would support.

As to my own staff, I thank my staff director Louis Tucker and staffer Jacqui Russell from the Intelligence Committee; a very special thanks to two FISA counsels, Jack Livingston and Kathleen Rice, who brought invaluable expertise into this process as lawyers who participated in the FISA process from the executive branch perspective while working in the FBI.

Thanks to Senator ROCKEFELLER's counsels, Mike Davidson, Christine Healey, and Alissa Starzak, as well as to Jesse Baker with Senator HATCH; to Tom Hawkins and John Abegg with Leader MCCONNELL's office; and to the many other staff who helped make this happen, too many to name now in the short time we have before we vote on the upcoming amendments.

I believe it is necessary to reinforce a few points that Senator ROCKEFELLER and I made yesterday in urging our colleagues to defeat the three amendments before us that would kill this bill by altering the title II liability protections, and potentially putting us in the disastrous situation we faced a year ago.

First, yesterday we heard from supporters of these amendments that decimating the title II civil liability protections for our telecommunications providers would have no effect on the title I portion of the bill that modernizes FISA collection methodologies because title I contains directives that are enforceable by court order.

Such statements demonstrate a lack of understanding about the intelligence community's dependence upon our third-party partners. We know from our experience when the Protect America Act expired in February that is simply not the case. We lost days' worth of intelligence while the partners ceased cooperating momentarily until they were assured that authorizations and corresponding immunity tie would last until August. If we do not have their voluntary cooperation by giving them liability protection, then it is much harder and we get much less in trying to compel them.

Second, we heard yesterday that it is "bad lawyering" to apply the substantial evidence standard to the title II liability. The Senate's bill had an abuse of discretion standard for title II liability, which I believe was the appropriate standard, but House Democrats offered this other standard.

It is an appellate standard, not a factual standard, as my colleague from